

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendments to Parts 1, 2, 87 and 101)	WT Docket No. 99-327
of the Commission's Rules to License)	
Fixed Services at 24 GHz)	

ERRATUM

Released: May 28, 2004

By the Chief, Broadband Division:

1. On July 25, 2000, the Commission released a *Report and Order* (FCC 00-272) in the above captioned proceeding.¹ In the *Report and Order*, the Commission determined that the 24.25-24.45 GHz and 25.05-25.25 GHz bands (24 GHz band) would be made available for licensing throughout the United States by Economic Areas (EAs). In this connection, the Commission decided to use a total of 176 service areas—the 172 EAs specified by the Department of Commerce and four Commission-created EA-like areas for Guam and the Northern Mariana Islands, Puerto Rico and the United States Virgin Islands, American Samoa, and the Gulf of Mexico.²

2. The Commission reached this decision in paragraph 18 of the *Report and Order*, which did not include a reference to the perimeter of the FCC-created EA-like area, Gulf of Mexico (EA 176). Therefore, with this Erratum, we provide a reference at the end of paragraph 18 of the *Report and Order* to read as follows:

18. For these reasons, we determine that EAs constitute the most appropriate geographic area licensing for the 24 GHz band. EAs will provide ample population coverage and allow 24 GHz band licensees the flexibility to provide a multitude of service offerings. Thus, we determine to use a total of 176 service areas—the 172 EAs specified by the Department of Commerce and four EA-like areas for Guam and the Northern Mariana Islands, Puerto Rico and the United States Virgin Islands, American Samoa, and the Gulf of Mexico. In defining the perimeter of the Gulf of Mexico (EA 176), the Commission has stated that:

land-based license regions abutting the Gulf of Mexico will extend to the limit of the territorial waters of the United States in the Gulf, which is the maritime zone that extends approximately twelve nautical miles from the U.S. baseline.

¹ See Amendments to Parts 1, 2, 87 and 101 of the Commission's Rules to License Fixed Services at 24 GHz, WT Docket No. 99-327, *Report and Order*, 15 FCC Rcd 16934, 16944, ¶ 18 (2000) (*Report and Order*) *recon. denied*, *Order on Reconsideration*, 16 FCC Rcd 11156 (2001) (*Order on Recon.*).

² *Report and Order*, 15 FCC Rcd at 16944, ¶ 18; *Order on Recon.*, 16 FCC Rcd at 11163-64. The Commerce Department organized the 50 States and the District of Columbia into 172 EAs. See 60 Fed. Reg. 13114 (Mar. 10, 1995). Additionally, there are four FCC-created EA-like areas: (1) Guam and Northern Mariana Islands, (2) Puerto Rico and the U.S. Virgin Islands, (3) American Samoa, and (4) the Gulf of Mexico, for a total of 176 EAs.

Beyond that line of demarcation, we will create the Gulf of Mexico [service area], which will extend from that line outward to the broadest geographic limits consistent with international agreements.*

* Amendment of the Commission's Rules to Establish Part 27, The Wireless Communications Service, GN Docket No. 96-228, *Report and Order*, 12 FCC Rcd 10,785, 10,816 ¶ 59 (1997) (internal cross-reference omitted).

3. Appendix C of the *Report and Order* contained Final Rules including 47 C.F.R. § 101.523, which establishes the service areas for the 24 GHz band. As adopted, the rule states that there are "three EA-like areas"; however, four EA-like areas are listed by name. Additionally, as adopted, the rule states that a "total of 176 authorizations will be issued for the 24 GHz Service by the FCC," which is inaccurate given that, for the 24 GHz band, each EA has five channel pairs (each of which is licensed separately) for a total of 880 authorizations. See 47 C.F.R. § 101.505 citing 47 C.F.R. §§101.147(m), (n), and (r)(9).

4. In view of the foregoing, Appendix C of the *Report and Order*, Final Rules, as it pertains to Section 101.523, is hereby corrected to conform to the text of the *Report and Order* as follows:

32. Section 101.523 is added to read as follows:

§ 101.523 Service areas.

(a) The service areas for 24 GHz are Economic Areas (EAs) as defined in this paragraph (a). The Bureau of Economic Analysis, U.S. Department of Commerce, organized the 50 States and the District of Columbia into 172 EAs. See 60 FR 13114 (March 10, 1995). Additionally, there are four FCC-created EA-like areas: (1) Guam and Northern Mariana Islands; (2) Puerto Rico and the U.S. Virgin Islands; (3) American Samoa, and (4) the Gulf of Mexico. The Gulf of Mexico EA extends from 12 nautical miles off the U.S. Gulf coast outward into the Gulf. See 62 FR 9636 (March 3, 1997), in which the Commission created an additional four economic area-like areas for a total of 176 EA service areas. Maps of the EAs and the Federal Register Notice that established the 172 Economic Areas (EAs) are available for public inspection and copying at the FCC Reference Center, Room CY A-257, 445 12th St., S.W., Washington, DC 20554. These maps and data are also available on the FCC website at www.fcc.gov/oet/info/maps/areas/.

(b) Where an incumbent SMSA license area in the 24 GHz band occupies only a portion of an EA available for application under the competitive bidding rules, the SMSA portion will be excluded from auction and the incumbent licensee will retain the exclusive right to those channels within the SMSA.

5. Accordingly, IT IS ORDERED that this Erratum is issued pursuant to Section 0.331 of the Commission's rules on delegated authority, 47 C.F.R. § 0.331.

FEDERAL COMMUNICATIONS COMMISSION

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